

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1983

Introduced by Assembly Member Mansoor

February 23, 2012

An act to amend ~~Section~~ *Sections 11834.02, 11834.09, and 11834.23* of the Health and Safety Code, relating to substance abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 1983, as amended, Mansoor. Substance abuse: recovery and treatment facilities.

Existing law provides for the licensure, certification, and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. Existing law authorizes the department to issue a license to specified types of facilities if certain criteria are met. *Under existing law, these facilities include a facility wherein separate buildings or portions of a residential facility are integral components of a single alcoholism or drug abuse recovery or treatment facility and all of the components of the facility are managed by the same licensee.*

Existing law deems an alcoholism or drug abuse recovery or treatment facility that serves 6 or fewer persons to be a residential use of property for the purposes of the law relating to regulating alcoholism or drug abuse recovery or treatment facilities, whether or not unrelated persons are living together, and subject to specified conditions. In addition, the residents and operators of a facility that satisfies these conditions are considered a family for the purposes of any law or zoning ordinance that relates to the residential use of property.

This bill would ~~instead~~ require, *rather than authorize*, the department to issue a license if ~~these~~ *the above* criteria are met. *The bill would identify facilities with common management of separate facility components, as specified, as “integral facilities,” and would exclude these integral facilities from being considered a residential use of property for purposes of the law regulating alcoholism or drug abuse recovery or treatment facilities. The bill would authorize integral facilities to collectively serve 7 or more persons.*

This bill also would make technical, nonsubstantive changes to the provisions described above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11834.02 of the Health and Safety Code
2 is amended to read:
3 11834.02. (a) As used in this chapter, “alcoholism or drug
4 abuse recovery or treatment facility,” ~~or~~ “facility,” or “facilities,”
5 means any premises, place, or building that provides 24-hour
6 residential nonmedical services to adults who are recovering from
7 problems related to alcohol, drug, or alcohol and drug misuse or
8 abuse, and who need alcohol, drug, or alcohol and drug recovery
9 treatment or detoxification services.
10 (b) As used in this chapter, “adults” may include, but is not
11 limited to, all of the following:
12 (1) Mothers over 18 years of age and their children.
13 (2) Emancipated minors, which may include, but is not limited
14 to, mothers under 18 years of age and their children.
15 (c) As used in this chapter, “emancipated minors” means
16 persons under 18 years of age who have acquired emancipation
17 status pursuant to Section 7002 of the Family Code.
18 (d) *As used in this chapter, “integral facilities” means any*
19 *combination of two or more facilities, located on the same or*
20 *different parcels, that collectively serve seven or more persons,*
21 *not including the licensee or members of the licensee’s family or*
22 *persons employed as facility staff, that are under the control or*
23 *management of the same owner, operator, management company*
24 *or licensee or any affiliate of any of them, and which together*
25 *comprise one operation. Integral facilities shall include, but not*

1 *be limited to, the provision of housing in one facility and recovery*
2 *programming, treatment, meals, or any other service or services*
3 *at another facility, or facilities, or by assigning staff, or a*
4 *consultant or consultants, to provide services to or in more than*
5 *one facility.*

6 ~~(d)~~

7 (e) Notwithstanding subdivision (a), an alcoholism or drug abuse
8 recovery or treatment facility may serve adolescents upon the
9 issuance of a waiver granted by the department pursuant to
10 regulations adopted under subdivision (c) of Section 11834.50.

11 **SECTION 1.**

12 **SEC. 2.** Section 11834.09 of the Health and Safety Code is
13 amended to read:

14 11834.09. (a) Upon receipt of a completed written application,
15 fire clearance, and licensing fee from the prospective licensee, and
16 subject to the department's review and determination that the
17 prospective licensee can comply with this chapter and regulations
18 adopted pursuant to this chapter, the department shall issue a single
19 license to the following types of alcoholism or drug abuse recovery
20 or treatment facilities:

21 (1) A residential facility, *other than integral facilities.*

22 ~~(2) A facility wherein separate buildings or portions of a~~
23 ~~residential facility are integral components of a single alcoholism~~
24 ~~or drug abuse recovery or treatment facility and all of the~~
25 ~~components of the facility are managed by the same licensee.~~

26 (2) *Integral facilities, as defined in subdivision (d) of Section*
27 *11834.02.*

28 (b) Failure to submit a completed written application, fire
29 clearance, and payment of the required licensing fee in a timely
30 manner shall result in termination of the department's licensure
31 review and shall require submission of a new application by the
32 prospective licensee.

33 (c) Failure of the prospective licensee to demonstrate the ability
34 to comply with this chapter or the regulations adopted pursuant to
35 this chapter shall result in departmental denial of the prospective
36 licensee's application for licensure.

37 **SEC. 3.** *Section 11834.23 of the Health and Safety Code is*
38 *amended to read:*

39 11834.23. (a) Whether or not unrelated persons are living
40 together, an alcoholism or drug abuse recovery or treatment facility

1 ~~which that~~ serves six or fewer persons shall be considered a
2 residential use of property for the purposes of this article. In
3 addition, the residents and operators of ~~such a~~ *the* facility shall be
4 considered a family for the purposes of any law or zoning ordinance
5 ~~which that~~ relates to the residential use of property pursuant to
6 this article.

7 For

8 (b) For the purpose of all local ordinances, an alcoholism or
9 drug abuse recovery or treatment facility ~~which that~~ serves six or
10 fewer persons shall not be included within the definition of a
11 boarding house, rooming house, institution or home for the care
12 of minors, the aged, or the mentally infirm, foster care home, guest
13 home, rest home, sanitarium, mental hygiene home, or other similar
14 term ~~which that~~ implies that the alcoholism or drug abuse recovery
15 or treatment home is a business run for profit, or differs in any
16 other way from a single-family residence.

17 This

18 (c) This section shall not be construed to forbid ~~any~~ a city,
19 county, or other local public entity from placing restrictions on
20 building heights, setback, lot dimensions, or placement of signs
21 of an alcoholism or drug abuse recovery or treatment facility ~~which~~
22 *that* serves six or fewer persons as long as the restrictions are
23 identical to those applied to other single-family residences.

24 This

25 (d) This section shall not be construed to forbid the application
26 to an alcoholism or drug abuse recovery or treatment facility of
27 any local ordinance ~~which that~~ deals with health and safety,
28 building standards, environmental impact standards, or any other
29 matter within the jurisdiction of a local public entity. However,
30 the ordinance shall not distinguish alcoholism or drug abuse
31 recovery or treatment facilities ~~which that~~ serve six or fewer
32 persons from other single-family dwellings, or distinguish residents
33 of alcoholism or drug abuse recovery or treatment facilities, from
34 persons who reside in other single-family dwellings.

35 No

36 (e) A conditional use permit, zoning variance, or other zoning
37 clearance shall *not* be required of an alcoholism or drug abuse
38 recovery or treatment facility ~~which that~~ serves six or fewer persons
39 that is not required of a single-family residence in the same zone.

40 Use

- 1 (f) Use of a single-family dwelling for purposes of an alcoholism
2 or drug abuse recovery facility serving six or fewer persons shall
3 not constitute a change of occupancy for purposes of Part 1.5
4 (commencing with Section 17910) of Division 13 or local building
5 codes. However, nothing in this section is intended to supersede
6 Section 13143 or 13143.6, to the extent those sections are
7 applicable to alcoholism or drug abuse recovery or treatment
8 facilities serving six or fewer residents.
9 (g) *This section shall not apply to integral facilities, as defined*
10 *in subdivision (d) of Section 11834.02.*